
State Water Resources Control Board

NOTICE OF NEW STATUS CONFERENCE DATE

The State Water Resources Control Board
Administrative Hearings Office
issues this notice of new status conference date
regarding the pending petition for change of

the City of Solvang

for water-right Permit 15878 (Application A022423),
which authorizes diversions of water from the Santa Ynez River (underflow)
in Santa Barbara County.

**The new Status Conference will be held on
March 26, 2021, beginning at 9:30 am.**

BACKGROUND

On March 30, 2020, the Administrative Hearings Office (“AHO”) of the State Water Resources Control Board (“State Water Board” or “Board”) issued a Notice of Public Hearing and Pre-Hearing Conference Call regarding the petitions filed by the City of Solvang (“Solvang”) for change and extension of time for water-right Permit 15878 (Application A0022423). The background facts, applicable statutes, hearing issues and previously proposed pre-hearing and hearing schedules are described in the March 30 notice and subsequent pre-hearing conference and status conference orders.

The March 30 Notice of Public Hearing and Pre-Hearing Conference Call had scheduled the public hearing in this matter for August 31 and September 2 and 11, 2020. On April 9, 2020, representatives of Solvang, Alisal Guest Ranch and Santa Ynez River Water Conservation District, Improvement District No. 1, sent a joint letter to the AHO. That letter described the economic and related challenges Solvang was experiencing due to the COVID-19 pandemic and related reductions in its General Fund revenues. The letter asked the AHO for an extension of all deadlines in the AHO’s hearing notice to 180 days from the end of California COVID-19 emergency related orders.

Following the April 29 pre-hearing conference, the AHO issued a Pre-Hearing Conference Order and Notice of Status Conference Call on May 22, 2020. That notice and order canceled all exhibit-filing deadlines and hearing dates in the March 30 notice, set new deadlines for Solvang and the other parties to file and serve status conference statements, and scheduled a status conference for June 29, 2020.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

The AHO held that status conference and subsequent status conferences on September 24 and November 6, 2020. Following each status conference, the AHO issued a new status conference order.

As discussed in the October 2, 2020 status conference order, Solvang withdrew its May 7, 2015 petition for extension of time. Accordingly, the AHO will not conduct any further proceedings on that petition.

The AHO issued its last status conference order on November 9, 2020. That order scheduled a status conference for January 22, 2021. It ordered Solvang to file a status conference statement on January 11, 2021. The AHO's order directed Solvang to include descriptions of the following in its status conference statement: (1) the supplemental hydrological, environmental and other analyses that Solvang plans to conduct for its amended change petition, (2) the new California Environmental Quality Act ("CEQA") document that Solvang will be preparing for its amended change petition, and (3) Solvang's proposed schedule for completing these analyses and documents.

Solvang did not file any status conference statement on January 11. Instead, its Public Works Director/City Engineer sent an e-mail, and Solvang's new attorney sent a letter, to the AHO hearing officer. The e-mail and the letter both stated that Solvang's prior City Attorney had resigned and the City had appointed David Fleishman of Richards Watson and Gershon as Solvang's Interim City Attorney, and that B. Tilden Kim of the same law firm would be representing Solvang in this matter. The e-mail and the letter both asked the AHO for a 90-day continuance of the January 22, 2021 status conference.

DISCUSSION

Over nine months have passed since the AHO issued its March 30, 2020 Notice of Public Hearing, and over four months have passed since the date that was scheduled for the hearing to begin. During that time, Solvang has made some progress updating and refining the project description for its change petition. However, Solvang has not filed any schedule for completing the supplemental hydrological, environmental and other analyses that Solvang plans to conduct for its amended change petition or for the new CEQA document that Solvang will be preparing for its amended change petition.

During prior status conferences, the AHO hearing officer has made it clear that he would not agree to Solvang's requests for long, largely open-ended extensions of the filing deadlines specified in the AHO's orders. While the AHO understands that Solvang is facing severe financial and related challenges, the AHO nevertheless expects Solvang to make progress on the actions that are necessary before this matter will be ready for hearing.

For these reasons, the AHO denies Solvang's request for 90-day continuances of the January 22 Status Conference date and the January 11 deadline for filing a new status

conference statement. The AHO is extending this date and this deadline by approximately 60 days, as discussed in the following paragraphs.

NEW STATUS CONFERENCE DATE; NEW STATUS CONFERENCE STATEMENT FILING DEADLINE

The AHO will hold a status conference in this matter on March 26, 2021, beginning at 9:30 am. During the status conference, the hearing officer will discuss Solvang's amended change petition, the elements of and process for analyses and documentation of related potential environmental impacts, and the schedule for future actions.

On or before March 12, 2021, Solvang shall file a status conference statement describing: (1) the supplemental hydrological, environmental and other analyses that Solvang plans to conduct for its amended change petition, (2) the new California Environmental Quality Act document that Solvang will prepare for its amended change petition, and (3) Solvang's proposed schedule for completing these analyses and documents.

The AHO expects Solvang's new status conference statement to demonstrate that Solvang will be able to promptly complete these analyses and this new CEQA document and be prepared for the hearing in this matter by the summer of 2021. If Solvang does not demonstrate this, then the AHO will consider cancelling Solvang's change petition.

Any person interested in observing this status conference without participating may do so by accessing the Live Stream on the AHO YouTube channel with the following link: <https://www.youtube.com/watch?v=AEiwR0wyy4M>. If this link does not work, then any interested person may use the Zoom meeting link listed in the following paragraph to observe this status conference.

Anyone participating in this hearing may do so with the following Zoom meeting link: <https://waterboards.zoom.us/j/92411856446?pwd=Y3kwclptRU00M3JCRTVMcG55YlJpZz09> with Meeting ID: 924 1185 6446 and Passcode: 800602 or by calling in at: +16699009128,,92411856446#,,,,,0#,,800602# US (San Jose). The hearing officer requests that participants participate by both video and audio, if possible. If this is not possible, then the hearing officer will allow audio-only participation.

Except as explicitly stated in this order and notice, all provisions of the prior notices and orders described in the first paragraph of this order and notice remain in effect.

Date: January 15, 2021

SIGNATURE ON FILE
Alan B. Lilly, Presiding Hearing Officer

Enclosure:

-Service List (all service is by e-mail)

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